

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-96-0555 WBS EFB P

vs.

No. CIV S-04-1745 WBS PAN P

RICHARD N. MATTAROLO,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 24, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days. On April 21, 2006, the undersigned adopted the findings and recommendations. By order filed September 20, 2006, the undersigned set aside the April 21, 2006 order and directed the Clerk to re-serve a copy of the findings and recommendations on movant. That order provided movant twenty to file objections to the findings and recommendations. Movant filed his objections on October 12, 2006.

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3 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
4 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
5 file, the court finds the findings and recommendations to be supported by the record and by  
6 proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

8 1. The findings and recommendations filed March 24, 2006, are adopted in full;  
9 2. Respondent's November 12, 2004 motion to dismiss is granted;  
10 3. Movant's August 20, 2004 motion to vacate, set aside, or correct his sentence  
11 pursuant to 28 U.S.C. § 2255 is dismissed; and

12 4 The Clerk of the Court is directed to close the companion civil case, No. CIV  
13 S-04-1745 WBS PAN P

14 DATED: December 4, 2006

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16 WILLIAM B. SHUBB  
17 UNITED STATES DISTRICT JUDGE  
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